



U.S. Department of Justice

Immigration and Naturalization Service



OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File:



Date:

2000

IN RE:

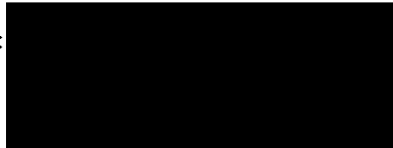
Petitioner:

Applicant:

Application:



IN BEHALF OF APPLICANT:



Public Copy

Identifying data should be
prevent clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrence M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The petition for a nonimmigrant worker was filed as an application for a change of the applicant's status in the United States to that of an R-1 Religious Worker, pursuant to 8 C.F.R. 248.3(a).

The petition was denied by the Director, Vermont Service Center, who correctly advised the applicant that the decision could not be appealed to the Associate Commissioner for Examinations. A motion was subsequently filed, and the director's decision was affirmed. However, the director then incorrectly advised the applicant that the decision could be appealed. An appeal was subsequently filed. The appeal will be rejected.

The regulation at 8 C.F.R. 248.3(g) states:

Denial of application. When the application is denied, the applicant shall be notified of the decision and the reasons for the denial. There is no appeal from the denial of the application under this chapter.

ORDER: The appeal will be rejected.